

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Application No.:	10/580,238	Examiner:	William E. Dondero
Filing Date:	May 23, 2006	Art Unit:	3654
First Inventor:	Dirk Costrop	Customer No.:	23364
Attorney No.:	COST3002/JJC/PMB	Confirm. No.:	1948
For:	DEVICE AND METHOD TO FEED AND ALIGN A WEB WITH INCREASED WEB STABILITY FOR PRINTING		

RESPONSE TO RESTRICTION NOTICE OF JUNE 4, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

This is responsive to the Office Action dated June 4, 2009 in the above application, said Action requiring restriction of the claims between the following groups:

GROUP I – Claims 19-24 and 27-30 (web alignment device)

GROUP II – Claims 31-36 (method to align a web)

ELECTION WITH TRAVERSE

Subject to the traversal discussed below, the applicants elect the claims of GROUP I, (claims 19-24 and 27-30) to be maintained in this application for continued examination.

All rights to the non-elected subject matter are reserved.

TRAVERSAL

The Restriction Notice imposed is believed to be improper. This application is a U.S. National Phase of an International application and provisions under 35 U.S.C. § 372(b)(2) apply in this case. The provisions of 37 C.F.R. § 1.475 are controlling with respect to issues of unity of invention in U.S. National Phase applications derived from International PCT applications.

Under the provisions of §1.475(a), an International application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. Further, in accordance with this provision, the requirement of unity of invention is fulfilled when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. In accordance with this rule, the expression “special technical features” means those features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

There is no requirement that the language of the claims be identical in order to satisfy the requirement that the claims are so linked so as to form a single *general* inventive concept.

Further, under the provisions of §1.475(b)(2), an International application will be considered to have unity of invention if the claims are drawn to a product and a process of use of said product.

Here, the claims of GROUP I relate to a product, and the claims of GROUP II relate to a process of using the product recited in GROUP I.

As is discussed in detail in MPEP § 1850 (III)(A), there is no requirement that the process cannot be carried out using an alternative apparatus or means.

Accordingly, since the claims of GROUP II relate to a process of using the product recited in the claims of GROUP I, it is respectfully submitted that the claims of GROUPS I and II are linked so as to form a single general inventive concept in accordance with 37 C.F.R. § 1.475.

Therefore, withdrawal of the restriction between the claims of GROUPS I and II is respectfully requested.

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

Please charge any additional fees required or credit any overpayments in connection with this paper to Deposit Account No. 02-0200.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

/Patrick M. Buechner/

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